



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-3503 FAX (603) 271-5171



September 16, 2003

Pamela Murphy
Town of Bath
Bath Village Water Works
PO Box 88
Bath, NH 03740

LETTER OF DEFICIENCY# WSEB 03-253
CERTIFIED MAIL # 7099 3400 0002 9772 3156

Subject: Bath - Public Water System: Bath Village Water Works (EPA# 0171010)

Dear Ms. Murphy:

The records of the Department of Environmental Services (DES) show that the Bath Village Water Works water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. Pursuant to NH Admin. Rule Env-Ws 381, all community water systems are subject to the requirements of the Lead and Copper Corrosion Control Rule.

The Bath Village Water Works (BVWW) system exceeded the lead and/or copper action levels in past sampling. As a result, a DES-approved corrosion control treatment process should have been installed by January 1998. On March 14, 2002, a Notice of Violation (NOV) was issued to the water system for failing to install corrosion control treatment. The NOV noted that, pursuant to Env-Ws 351.04, public notice of the failure to install corrosion control must be repeated every three months for as long as the violation continues.

DES records show that the required public notices have been issued every three months. Each successive public notice, however, has given the water system customers a later date in which to expect treatment to be installed. The following table shows the date that public notice was issued to consumers for failing to install corrosion control and the date consumers were told that corrosion control would be installed.

Date of Public Notice	Date Consumers Told Corrosion Control Would be Installed
March 29, 2002	September 1, 2002
August 21, 2002	December 31, 2002
December 31, 2002	April 1, 2003
March 31, 2003	September 2003
June 30, 2003	September 2003

Since the issuance of the Notice of Violation in March 2002, DES has not received any direct correspondence indicating the type of corrosion control treatment to be installed or the expected date of installation. DES has received information that BVWW may be exploring the development of a new source, but no preliminary well siting material has been received by DES.

In view of the violation for failing to install corrosion control, DES believes the deficiency can be corrected by taking the following action:

By **October 10, 2003**, submit to DES for review a written report which:

- Identifies the approach BVWW is pursuing to address the corrosion control violation; and
- Includes an implementation schedule to install the DES-approved corrosion control treatment or otherwise correct the corrosion control violation.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an administrative order requiring the deficiencies be corrected, initiating administrative fine proceedings and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The written report as requested above should be addressed as follows:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
PO Box 95
Concord, NH 03302-0095

Please contact Alan Leach by telephone at (603) 271-2854 or by e-mail at aleach@des.state.nh.us if you have any questions regarding this letter.

Sincerely,



COPY

Anthony P. Giunta, P.G., Administrator
Water Supply Engineering Bureau

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cc: Gretchen Rule, DES Legal Unit
Spencer Richardson, Primary Operator
William Englert, Owner's Representative
Gerald Ambrose, Town of Bath Health Officer
EPA, Region 1